IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 13/10/2003

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THE HONOURABLE MR.JUSTICE P.D.DINAKARAN

Writ Petition No.21090 of 2003

R. Natarajan ..... Petitioner

-Vs-

1. The District Consumer Disputes
Redressal Forum of Coimbatore District
Collectorate, Coimbatore 641 018.

2. K.K. Muthuswamy ..... Respondents

Petition under Article 226 of the Constitution of India praying for a writ of Certiorari as stated therein.

For Petitioner : Mr.S. Thangavel

For Respondent-2 : No appearance

:O R D E R

The petitioner, who is doing real estate business, received a sum of Rs.43,000/- from the second respondent, as advance towards the sale of housing sites. As the petitioner failed to deliver the said housing sites as per the service contract entered into between the petitioner and the second respondent, the petitioner filed COP No.60 of 2003 on the file of the first respondent.

2. In the meanwhile, it is stated that the Government have also initiated action against the petitioner under the Tamil Nadu Protection of Interest of Depositors (in Financial Establishments) Act (in short the "TNPID Act") and attached the properties of the petitioner, by G.O.Ms.No.61 and 123, Home (Courts IIA) Department dated 21.1.2002 and 13.2.2002 respectively.

3. In view of the attachment of the properties, the petitioner challenges the proceedings initiated by the second respondent before the first respondent in COP No.59 of 2003 on the ground that the first respondent has no jurisdiction to proceed with COP referred to above, placing reliance on Section 6(2) of the TNPID Act, which reads as follows:
" Section 6: Special Court.-
(1) ...

(2) No Court including the Court constituted under the Presidency Towns Insolvency Act, 1909 and the Provincial Insolvency Act, 1920, other than the Special Court shall have jurisdiction in respect of any matter to which the provisions of this Act apply.
(3) ... "

4.1. The object of the TNPID Act is to protect the deposits made by the public in the financial establishments and matters relating thereto. On the other hand, the Consumer Protection Act, 1986, is intended to provide for better protection of the interests of consumers and for that purpose to make provision for the establishment of consumer councils and other authorities for the settlement of consumers' disputes and for matters connected therewith.

4.2. It is obvious that the purpose of the TNPID Act is to protect the deposits made by the public in financial institutions in the matter relating to. Whereas the Consumer Protection Act is intended to protect the interest of the consumers with respect to quality, quantity, potency, purity, standard and price of the goods, or service, as the case may be, so as to protect the consumer against the unfair trade practices. Since, the jurisdiction of the authorities constituted under the Consumer Protection Act is wider than and distinct from that of the authorities constituted under the TNPID Act, in my considered opinion, Section 6(2) of the TNPID Act, imposing a bar, is not at all attracted.

The writ petition fails and therefore, the same is dismissed. No costs. Consequently, WPMP No.26211 of 2003 is also dismissed.

Index : Yes
Internet : Yes

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To

The District Consumer Disputes
Redressal Forum of Coimbatore District
Collectorate, Coimbatore 641 018.